

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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INTEGRATED SPORTS MEDIA, INC.,

Plaintiff,  
-against-

**ORDER**  
10 CV 2017 (DRH) (AKT)

EL GUADALAJARA, INC. doing business as  
El Guadalajara, and ENRIQUE MALDONADO,

Defendants.  
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**HURLEY, Senior District Judge:**

On December 9, 2010, this Court granted plaintiff's motion for an entry of default judgment against defendants El Guadalajara, Inc. doing business as El Guadalajara ("El Guadalajara") and Enrique Maldonado ("Maldonado") (collectively, "defendants"), and referred the case to Magistrate Judge A. Kathleen Tomlinson, pursuant to 28 U.S.C. § 636(b)(3), for a report and recommendation as to damages and attorneys' fees. On August 30, 2011, Judge Tomlinson issued a Report and Recommendation that individual liability not be imposed on Maldonado, and that defendants not be held jointly and severally liable for any damages awarded plaintiff. Judge Tomlinson further recommended that judgment be entered against El Guadalajara for the following amounts: (1) \$5,055.40 in statutory damages, pursuant to 47 U.S.C. § 605(e)(3)(C)(i); (2) \$15,166.20 in enhanced damages, pursuant to 47 U.S.C. § 605(e)(3)(C)(ii); and (3) \$350.00 in costs,<sup>1</sup> for a total sum of \$20,571.60. Finally, Judge Tomlinson recommended that pre-judgment interest not be awarded. On August 31, 2011, defendants were served with a copy of the Report and Recommendation. More than fourteen days have elapsed since service of the Report and Recommendation. No party has filed any

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<sup>1</sup> Plaintiff has withdrawn its request for attorneys' fees. (*See* R&R at n. 5.)

objections.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the August 30, 2011 Report and Recommendation of Judge Tomlinson as if set forth herein.

The Court hereby finds that defendant Enrique Maldonado shall not be subject to individual liability, and defendants shall not be held jointly and severally liable for the damages awarded to plaintiff. Furthermore, the Court directs that plaintiff Integrated Sports Media, Inc. recover from defendant El Guadalajara the amount of \$20,571.60, as itemized below, and that judgment be entered accordingly:

- (1) \$5,055.40 in statutory damages;
- (2) \$15,166.20 in enhanced damages; and
- (3) \$350.00 in costs.

Upon entry of judgment, the Clerk of the Court is directed to close this case.

**SO ORDERED.**

Dated: Central Islip, New York  
September 22, 2011

/s/  
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Denis R. Hurley  
United States District Judge